IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10347 of 2007(F)

PETITIONER:

K.KRISHNA KUMARI,
AISWARYA, CHEMBOOTHRA
THRISSUR.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. THE SECRETARY
PANACHERY GRAMA PANCHAYATH (SPECIAL GRADE)
PATTIKKAD P.O, THRISSUR DISTRICT

2. THE PANCHAYATH COMMITTEE OF PANACHERY
GRAMAPANCHAYATH, PATTIKKAD P.O, THRISSUR DISTRICT

3, THE PRESIDENT,
PANACHERY GRAMA PANCHAYATH (SPECIAL GRADE)
PATTIKKAD P.O, THRISSUR DISTRICT

4. RAMAN NAIR, POLIYEDATH HOUSE
CHEMBOOTHRA, THRISSUR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007 THE COURT ON 26/03/2007 DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE.J

W.P.(C) No. 10347 of 2007

Dated this the 26th day of March 2007

JUDGMENT

The grievance of the petitioner is that even as Ext.P3 appeal against Ext.P2 order of the Panchayath directing her to immediately cut and remove the coconut trees mentioned therein, preferred by her before the Committee of the Panchayath is pending consideration, the Secretary is going ahead with the action for implementing Ext.P1 order. The petitioner submits that the trees do not stand in such a dangerous condition as stated in Ext.P1 . Learned counsel for the petitioner submits that the petitioner is ready to take up responsibility for any mishap due to the non-implementation of Ext.P1 and the immediate cutting and removal of the trees. Since Ext.P3 is apparently pending before the Committee, I dispose of the writ petition in the following terms

The 2nd respondent Panchayath committee shall take up Ext.P3 appeal for immediate consideration, hear the petitioner and take a decision on Ext.P3 in the very next meeting of the committee. If necessary the Panchayath is permitted to have a special meeting of the committee convened to consider Ext.P3 in which case the petitioner will be informed

of such meeting when she produces a copy of this judgment before the Secretary. Till such time a decision is taken on Ext.P3, Ext.P1 order for cutting and removal of the coconut trees will not be implemented Petitioner however informed that she will be solely responsible for any mishap which may be occasioned due to the non- cutting and removal of the trees in the meanwhile.

PIUS.C.KURIAKOSE,JUDGE

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